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April 24, 2024

***VIA ECF***

Honorable Judge Ann M. Donnelly  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 4GN  
Brooklyn, New York 11201

Hon. Taryn A. Merkl  
United States Magistrate Judge  
United States District Court for the Eastern District of NY  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Sylla et. al v Amazon Labor Union et. al.  
Case No. 23-cv-05261

Dear Honorable Judge Donnelly, and Honorable Magistrate Merkl:

I write in response to the letter filed with Judge Donnelly earlier today by counsel for Plaintiffs, Mr. Schwartz. Mr. Schwartz seeks to have Judge Donnelly address only the Order to Show Cause he filed at tomorrow's conference. [D.E. 62]. He is asking the Court to ignore the other matters which have been brought to the Court's attention in the recent weeks regarding implementation of the Consent Decree entered by this Court on January 10, 2024. [D.E. 46]

These other matters include four motions to intervene by persons who have raised various objections and legal impediments to the parties going ahead with implementing the decree as written and without their participation, [D.E.s 49, 53, 54, 55] These motions to intervene have been addressed to Magistrate Merkl and both parties have responded to them. When undersigned counsel suggested there was merit to the claim of at least one proposed intervenor, that the proposed election violated the union's constitution, and subjected the union to potential Title I litigation if it went forward, and asked for a meeting with the Magistrate to address these concerns

[D.E.s 57, 60] counsel was met with accusations of attempts to undermine the decree. A meeting has not yet been scheduled or denied to the parties by the Magistrate.

In the meantime, in early April I served a Rule 45 Subpoena on Amazon seeking the lists of names of persons working at JFK8 currently and those who had been terminated in the last period so that eligible persons could be properly notified for any election. A mailing to all potential voters is required for a legal election under the Labor Management Reporting and Disclosure Act. Lists are also to be made available to the union for use by all candidates for campaigning purposes.

Mr. Schwartz was aware of the Rule 45 subpoena as he was served with a copy and knew we intended to enforce it if objected to. Prior to the April 15, 2024 return date of the subpoena, I was contacted by Amazon counsel to have a meet and confer regarding the subpoena. Amazon Counsel asked if I would extend the return date a few days to have that conversation and I agreed. Mr. Schwartz responded to the Amazon counsel that he intended to file an order to show cause under the All Writs Act for similar relief. Amazon counsel asked me to put off the return date of the subpoena to see what was in the order to show cause so all could be addressed at once. I agreed to do so. Counsel for Amazon and myself met on Monday April 22, 2024 regarding this upcoming conference with the Court and they have asked the Court to address all issues regarding the OSC and the subpoena. Amazon then filed their objections to the union's subpoena and their letter to the Court regarding both matters. [D.E. 65]. The union will move to enforce the subpoena, if necessary. That is, if court allows intervention to the intervenors and this causes a renegotiation of the agreement or continuation of the litigation it will not be necessary to seek to enforce the subpoena at this time.

Further, I on behalf of the Union defendants have informed both Amazon's counsel and Mr. Schwartz that we oppose providing the requested list only to a third-party mailing house instead of directly to the union. We want to brief that matter. I understand Mr. Schwartz said he would stipulate with Amazon that his clients would not view Amazon providing the list to a third party as an admission of recognition of the union, but I doubt that Amazon will feel comforted that one party to a lawsuit will so stipulate.

It is evident that Mr. Schwartz wants to hurry and get this election over with before any of these substantive legal questions are dealt with. There is no rush. The consent decree, should it remain viable, gives the parties until July 31, 2024 to have an election and part of the reason for that "float" in the dates has to do with the need to obtain these lists in order to have adequate voting infrastructure in place to go forward with an election in the first place. The lists of potential voters is critical to that infrastructure.

On behalf of the Union Defendants, we hope the Court will address all open matters beginning at tomorrow's conference.

Respectfully submitted,

/s/

Jeanne Mirer

